

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING ORDINANCE) TO AMEND SECTION 20.10.060 OF CHAPTER 20.10 (GENERAL PROVISIONS AND ZONING DISTRICTS) TO ADD THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT TO TABLE 20-10; TO AMEND SECTION 20.20.300 OF CHAPTER 20.20 (OPEN SPACE & AGRICULTURAL ZONING DISTRICTS) TO CHANGE THE PERMIT REQUIREMENT FROM A CONDITIONAL USE PERMIT TO A SPECIAL USE PERMIT FOR EXCEEDENCE OF DECIBEL LEVELS IN TABLE 20-45; TO AMEND THE TITLE OF CHAPTER 20.40 TO READ "COMMERCIAL ZONING DISTRICTS AND PUBLIC/QUASI-PUBLIC ZONING DISTRICT"; TO AMEND PART 1 (GENERAL) AND PART 2 (USES ALLOWED) OF CHAPTER 20.40 TO ADD LAND USES APPLICABLE TO URBAN VILLAGES TO THE DESCRIPTION OF PURPOSE OF THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, TO ESTABLISH THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT AND ENUMERATE USES ALLOWED THEREIN, AND TO ADD OR CHANGE ENUMERATED USES ALLOWED IN THE COMMERCIAL ZONING DISTRICTS MORE GENERALLY AND IN SPECIFIC COMMERCIAL ZONING DISTRICTS, INCLUDING ADDING AQUACULTURE/AQUAPONICS AS A SPECIAL USE, ADDING AUCTION AS A CONDITIONAL USE IN THE CG AND PQP ZONING DISTRICTS, ADDING STADIUMS (2,000 SEATS OR FEWER) AS A CONDITIONAL USE AND STADIUMS (MORE THAN 2,000 SEATS) AS A CONDITIONAL USE REQUIRING CITY COUNCIL APPROVAL IN THE PQP AND ALL COMMERCIAL ZONING DISTRICTS EXCEPT THE CO ZONING DISTRICT, ADDING NEIGHBORHOOD AGRICULTURE AND FUEL CELLS AS PERMITTED USES, ADDING PLANT NURSERY AS A PERMITTED USE IN THE CO AND PQP ZONING DISTRICTS, MAKING ANIMAL GROOMING AND INDOOR ANIMAL BOARDING A PERMITTED USE AS INCIDENTAL TO NEIGHBORHOOD AGRICULTURE IN THE CO AND PQP ZONING DISTRICTS, CHANGING BAIL BOND ESTABLISHMENT FROM A PERMITTED USE TO A SPECIAL USE IN THE CP ZONING DISTRICT WHERE LOCATED WITHIN AN URBAN VILLAGE, CHANGING MIXED USE RESIDENTIAL/COMMERCIAL FROM A CONDITIONAL USE TO A SPECIAL USE IN THE CP ZONING DISTRICT WHERE LOCATED WITHIN AN URBAN VILLAGE, CHANGING ANCILLARY INSTALLATION, SALE OR LEASE OF COMMERCIAL VEHICLES, AND TIRES, BATTERIES, OIL CHANGE AND SMOG CHECK SERVICING FROM PROHIBITED USES TO CONDITIONAL USES IN THE CP ZONING DISTRICT, CHANGING SALE OF VEHICLE PARTS FROM A CONDITIONAL USE TO A SPECIAL USE IN THE CP ZONING DISTRICT, AND ADDING UTILITY FACILITIES INCLUDING CORPORATION YARDS AS A CONDITIONAL USE IN THE**

**PQP ZONING DISTRICT; TO AMEND SECTION 20.40.120 TO ALLOW OUTDOOR ANIMAL CARE AS AN INCIDENTAL USE TO NEIGHBORHOOD AGRICULTURE; TO AMEND SECTION 20.40.200 TO ESTABLISH DEVELOPMENT STANDARDS FOR THE PQP ZONING DISTRICT AND TO MODIFY DEVELOPMENT STANDARDS IN THE CP ZONING DISTRICT WHERE LOCATED WITHIN AN URBAN VILLAGE; TO AMEND SECTION 20.40.250 TO EXEMPT LOTS IN THE CP AND PQP ZONING DISTRICTS FROM THE FRONT SETBACK PROVISIONS OF THIS SECTION; TO AMEND SECTION 20.40.400 TO CLARIFY APPLICABLE ALLOWANCES FOR MINOR PROJECTIONS INTO SETBACK AREAS; TO AMEND SECTION 20.40.600 TO REQUIRE A SPECIAL USE PERMIT FOR EXCEEDENCE OF APPLICABLE DECIBEL LEVELS AND TO APPLY THE PERFORMANCE STANDARDS TO THE PQP ZONING DISTRICT; TO AMEND SECTION 20.40.520 TO EXEMPT NEIGHBORHOOD AGRICULTURE FROM THE LIMITS ON OUTDOOR USES WITHIN 150 FEET OF RESIDENTIALLY ZONED PROPERTY; TO AMEND SECTIONS 20.80.1700, 20.80.1750 AND 20.80.1760 OF CHAPTER 20.80, PART 18 (SPECIFIC USE REGULATIONS – TEMPORARY TRAILERS) TO CHANGE REGULATIONS AND PERMIT REQUIREMENTS FOR TEMPORARY ANTENNAE; TO AMEND SECTION 20.100.220 OF CHAPTER 20.100 (ADMINISTRATION AND PERMITS) TO DESIGNATE THE DIRECTOR OF PLANNING AS THE INITIAL DECISION MAKING BODY AND THE CITY COUNCIL AS THE APPEAL DECISION MAKING BODY FOR SPECIAL USE PERMITS FOR SCHOOL, CHURCH/RELIGIOUS ASSEMBLY, AND PRIVATELY-OPERATED MUSEUM, LIBRARY, PARK, PLAYGROUND AND COMMUNITY CENTER USES, AND INCIDENTAL COMMERCIAL USES IN THE PQP ZONING DISTRICT; TO AMEND SECTION 20.120.110 OF CHAPTER 20.120 (ZONING CHANGES AND AMENDMENTS) TO ADD THE PQP GENERAL PLAN DESIGNATION AND THE PQP ZONING DISTRICT AS THE CORRESPONDING CONFORMING ZONING DISTRICT TO TABLE 20-270; AND TO AMEND CHAPTER 20.200 (DEFINITIONS) TO ADD NEW SECTIONS DEFINING “FUEL CELL” AND “SIGNATURE PROJECT” AND TO AMEND DEFINITIONS OF “BUSINESS SUPPORT”, “CO-GENERATION FACILITY”, “DOWNTOWN CORE AREA” AND “SOLAR PHOTOVOLTAIC POWER SYSTEM”; ALL TO FURTHER AND IMPLEMENT THE URBAN AGRICULTURE, ECONOMIC DEVELOPMENT, URBAN VILLAGE, PUBLIC-QUASI-PUBLIC, AND ZONING GOALS AND POLICIES SET FORTH WITHIN THE ENVISION SAN JOSE 2040 GENERAL PLAN, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20**

**WHEREAS**, pursuant to the provisions and requirements of the California

Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the City has certified that certain Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "Final EIR") and the City Council adopted its related Resolution No. 76041 in connection therewith; and

**WHEREAS**, more specifically pursuant to Section 15168 of the State CEQA Guidelines, the City of San José has determined that no new effects would occur from and no new mitigation measures would be required for the adoption of this Ordinance and that adoption of this Ordinance is within the scope of and in furtherance of the Envision San José 2040 General Plan, taken together with the Final EIR and related Resolution No. 76041; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the Final EIR and related Resolution No. 76041 prior to taking any approval actions on this Ordinance.

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 20.10.060 of Chapter 20.10 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.10.060 Zoning Districts Established**

- A. In order to regulate and restrict the location of residences, professions, businesses, trades, and industries, to regulate and restrict the location, Height, and size of Buildings and Structures hereafter erected, enlarged or altered, and to regulate and determine the area, depth, and width of Yards, Setback areas, and other open spaces, the following classes of City zoning districts are hereby established, as set forth in Table 20-10:

Table 20-10 City Zoning Districts		
Zoning District	Zoning Map	Alternative Zoning Map

	Symbol	Symbol
OS Open Space <u>District</u>	OS	OS
A Agricultural <u>District</u>	A	A
Rural Residential Residence District (1DU/5 Acres)	R-1-RR	None
R-1-1 Residence District (1DU/Acre)	R-1-1	R-1-B-3
R-1-2 Residence District (2DU/Acre)	R-1-2	R-1-B-2
R-1-5 Residence District (5DU/Acre)	R-1-5	R-1-B-8, R-1-B-1
R-1-8 Residence District (8DU/Acre)	R-1-8	R-1, R-1-B-6
R-2 Residence District (2DU/Lot)	R-2	R-2
R-M Residence District (Multiple Unit/Lot)	R-M	R-3, R-3-F, R-3-A, R-3-B, R-3-C, R-4
R-MH District (Mobilehome Parks, Travel Trailer parks)	R-MH	T-M
CO <del>Office</del> Commercial <u>Office</u> District	CO	C-L, C
<u>PQP Public/Quasi-Public District</u>	<u>PQP</u>	<u>None</u>
CP <del>Pedestrian</del> Commercial <u>Pedestrian</u> District	CP	C-1
CN <del>Neighborhood</del> Commercial <u>Neighborhood</u> District	CN	C-2
CG <del>General</del> Commercial <u>General</u> District	CG	C-3
TEC Transit Employment Center <u>District</u>	TEC	None

IP Industrial Park District	IP	L-R, IP-a, IP-b, IP-c, IP-d, I
CIC Combined Industrial/Commercial <u>District</u>	CIC	None
LI Light Industrial District	LI	M-1
HI Heavy Industrial District	HI	M-4

The foregoing zoning districts are listed in descending order of restrictiveness, that is, with the most restrictive district listed first and the least restrictive district listed last.

- B. In addition, the following special zoning districts are established as set forth in Table 20-20. The application of these districts is limited to specific geographic areas of the City as set forth in Section 20.70.010 and Section 20.75.020.

<b>Table 20-20 Special Zoning Districts</b>	
<b>Zoning District</b>	<b>Zoning Map Symbol</b>
DC Downtown Primary Commercial <u>District</u>	DC
DC-NT1 Downtown Commercial Neighborhood Transition 1 <u>District</u>	DC-NT1
MS-G Main Street Ground-Floor Commercial District	MS-G
MS-C Main Street Commercial District	MS-C

SECTION 2. Section 20.20.300 of Chapter 20.20 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.20.300 Performance Standards**

- A. In the OS Open Space and A Agricultural Districts, no primary, secondary, incidental or Conditional Use or activity related thereto shall be conducted or permitted:
1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
  2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or
  3. In a manner that creates a public or private nuisance.
- B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Open Space and Agricultural Zoning Districts:
1. Air Pollution  
  
Total emissions from any use or combination of uses on a Site shall not exceed the emissions and health risk thresholds as established by the Director of Planning.
  2. Noise  
  
The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 20-45 at any property line, except upon issuance and in compliance with a ~~Conditional~~ Special Use Permit as provided in Chapter 20.100.

<b>Table 20-45 Additional Noise Standards</b>	
	<b>Maximum Noise Level in Decibels at Property Line</b>
Open Space or Agricultural use adjacent to a property used or zoned for residential purposes	55
Open Space or Agricultural use adjacent to a property used or zoned for commercial purposes	60
Open Space or Agricultural use adjacent to a property used or zoned for industrial or use other than commercial or	70

residential purposes	
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3. Vibration

There shall be no activity on any Site that causes ground vibration that is perceptible without instruments at the property line of the Site.

SECTION 3. Chapter 20.40 of Title 20 of the San Jose Municipal Code is amended to be entitled as follows:

**CHAPTER 20.40**

**COMMERCIAL ZONING DISTRICTS AND PUBLIC/QUASI-PUBLIC ZONING DISTRICT**

SECTION 4. Part 1 of Chapter 20.40 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**Part 1  
General**

**20.40.010 Commercial Zoning Districts**

- A. This Chapter sets forth the land use and development regulations applicable to the Commercial Zoning Districts and Public/Quasi-Public District established by Section 20.10.060.
- B. No Building, Structure, or land shall be used, and no Building or Structure shall be erected, enlarged, or structurally altered, in the CO, CP, CN and CG Commercial Districts and PQP Public/Quasi-Public District except as set forth in this Chapter.
- C. The Commercial Zoning Districts are intended to support the commercial land use, economic development, and neighborhood preservation and conservation goals and policies of the General Plan through the use regulations and development standards. The ~~four~~ Commercial Districts reflect the diversity of the commercial needs and opportunities in the City. The purposes of the Commercial Districts are as follows:
  - 1. CO Commercial Office District. The CO Commercial Office District is a district in or near residential areas or between residential and commercial areas. This district is intended to be a low-intensity office zone that allows for a scale of offices in or adjacent to residential neighborhoods. Larger scale office development can be permitted upon approval of the Planning Commission, or City Council on appeal, through the Conditional Use Permit process.

2. CP Commercial Pedestrian District. The CP Commercial Pedestrian District is a district intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the General Plan related to Neighborhood Business Districts. The CP Commercial Pedestrian District also encourages mixed residential/ commercial development where appropriate, and is designed to support the commercial goals and policies of the General Plan in relation to Urban Villages. This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with General Plan urban design policies.

This district may be located, in addition to areas of the City that have a commercial land use designation in the General Plan, in areas that have an Urban Village land use designation. In these locations, the uses and development in this district are intended to be in conformance with applicable approved Urban Village Plans. The type of development supported by this district includes Neighborhood Business Districts, neighborhood centers, multi-tenant commercial development along city connector and main streets as designated in the General Plan, and small corner commercial establishments. New development should orient Buildings towards public streets and transit facilities and include features to provide an enhanced pedestrian environment.

3. CN Commercial Neighborhood District. The CN Commercial Neighborhood District is a district intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. This district also differs from the CP Commercial Pedestrian District in that there is no limit on the size of the stores. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments.
4. CG Commercial General District. The CG Commercial General District is a district intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

- D. The PQP Public/Quasi-Public District is intended to provide for publicly serving uses on Lots that are designated Public/Quasi-Public on the General Plan Land Use/Transportation Diagram. The publicly serving land uses within this district can include schools, colleges, research institutions, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers with integrated hotels and restaurants, auditoriums, museums, governmental offices, airports, stadiums, and other similar publicly-oriented institutional land uses with associated incidental commercial uses supporting such publicly-oriented institutional



land uses. This district may also accommodate private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, may also be considered. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi-Public use developed on a Site

SECTION 5. Part 2 of Chapter 20.40 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**Part 2  
Uses Allowed**

**20.40.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.
- | C.D. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- | D.E. "Administrative" uses are indicated by an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- | E.F. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.

F.G. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not permitted.

G.H. When the right column of Table 20-90 includes a reference to a Section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-90 Commercial Districts <u>and Public/Quasi-Public Zoning District</u> Land Use Regulations						
Use	Zoning District					Notes & Section
	CO	CP	C N	C G	<u>PQP</u>	
General Retail						
Retail sales, goods and merchandise	-	P	P	P	-	<u>Note 21</u>
Alcohol, off-site sales - beer and/or wine only	-	C	C	C	-	Section 20.80.900; <u>Note 21</u>
Alcohol, off-site sales, full range of Alcoholic Beverages	-	C	C	C	-	Section 20.80.900; <u>Note 21</u>
<u>Aquaculture/Aquaponics</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Auction</u>	-	-	-	<u>C</u>	<u>C</u>	
Bakery, retail	-	P	P	P	-	<u>Note 21</u>
Certified Farmers' Market	S	S	S	S	<u>S</u>	Part 3.5, Chapter 20.80

Certified Farmers' Market - Small	P	P	P	P	<u>P</u>	Part 3.5, Chapter 20.80
Food, beverage, groceries	-	P	P	P	<u>S</u>	
<u>Neighborhood Agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Title 7; Note 19</u>
Nursery, Plant	- <u>P</u>	P	P	P	<u>P</u>	<del>Note 1</del>
Outdoor Vending	-	A	A	A	<u>A</u>	Part 10, Chapter 20.80
Outdoor Vending – Fresh Fruits and Vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	=	See Title 6
Seasonal sales						Part 14, Chapter 20.80
Retail Art Studio	-	P	P	P	=	Section 20.80.1175; <u>Note 21</u>
<b>Education and Training</b>						
Child Day Care Center located on an existing School Site or as an incident to an on-site church/religious assembly use involving no Building additions or changes to the Site	P	P	P	P	=	<u>Note 21</u>
Day care center	C	C	C	C	<u>C</u>	

Instructional Art Studios	-	P	P	P	<u>S</u>	
Instructional Art Studios, with live models	-	C	C	C	<u>C</u>	
Private Instruction, personal enrichment	-	P	P	P	<u>S</u>	
School - elementary and secondary (public or private)	C	C	C	C	<u>S</u>	Note 16; <u>Note 20;</u> <u>Note 21</u>
School, driving (class C & M license)	-	P	P	P	<u>S</u>	Note 2; <u>Note 20;</u> <u>Note 21</u>
School, Post Secondary	-	P	P	P	<u>S</u>	Note 3; <u>Note 20;</u> <u>Note 21</u>
School, Trade and Vocational	-	C	C	C	<u>S</u>	Note 16; <u>Note 20;</u> <u>Note 21</u>
<b>Entertainment and Recreation Related</b>						
Arcade, Amusement <u>Game</u>	-	C	C	C	=	<u>Note 21</u>
Dancehall	-	C	C	C	<u>C</u>	<u>Note 21</u>
Poolroom/billiards establishment	-	C	C	C	=	<u>Note 21</u>
Private club or lodge	C	C	C	C	=	
Recreation, Commercial ( <del>indoor</del> )	-	P	P	P	<u>S</u>	<u>Note 21</u>
Recreation, Commercial ( <del>outdoor</del> )	-	C	C	C	<u>C</u>	<u>Note 21</u>

Relocated Cardroom	-	-	-	C	=	Section 20.80.1155
<u>Stadium, 2,000 seats or fewer</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 17</u>
<u>Stadium, more than 2,000 seats</u>	=	<u>CC</u>	<u>C</u> <u>C</u>	<u>C</u> <u>C</u>	<u>CC</u>	<u>Note 17:</u> <u>Note 18</u>
Theatre, indoor	-	C	C	C	<u>C</u>	<u>Note 21</u>
Theatre, outdoor	-	-	-	C	<u>C</u>	<u>Note 21</u>
<b>Food Services</b>						
Banquet Facility	-	C	C	C	<u>C</u>	
Caterer	-	P	P	P	<u>S</u>	Note 4
Drinking Establishments	-	C	C	C	=	<u>Note 21</u>
Drinking Establishments interior to a full-service hotel/motel that includes 75 or more guest rooms	-	P	P	P	=	Section 20.80.475: <u>Note 21</u>
Public Eating Establishments	-	P	P	P	=	<u>Note 21</u>
Outdoor dining, incidental to a Public Eating Establishment or a retail establishment	-	P	P	P	=	Section 20.40.520: <u>Note 21</u>
Wineries, breweries	-	C	C	C	=	<u>Note 21</u>
Incidental recreational dancing as part of a public eating establishment or drinking establishment	-	P	P	P	=	<u>Note 21</u>

Health and Veterinary Services						
Animal boarding, indoor	- <u>P only as incidental to Neighborhood Agriculture; Otherwise prohibited.</u>	P	P	P	- <u>P only as incidental to Neighborhood Agriculture; Otherwise S.</u>	Section 20.40.120;
Animal grooming	- <u>P only as incidental to Neighborhood Agriculture; Otherwise prohibited.</u>	P	P	P	- <u>P only as incidental to Neighborhood Agriculture; Otherwise S.</u>	Section 20.40.120
Emergency ambulance service	C	C	C	C	<u>C</u>	
Hospital/ in-patient facility	C	C	C	C	<u>C</u>	<u>Note 21</u>
Medical marijuana collective [USE SUSPENDED]	-	-	-	R	=	Part 9.5, Chapter 20.80
Office, Medical	P	P	P	P	<u>S</u>	<u>Note 21</u>
Veterinary Clinic	-	P	P	P	<u>C</u>	Note 16
General Services						
Bail Bond Establishment - outside main jail area	-	P <u>outside of Urban Village; S in Urban Village</u>	P	P	=	Part 1.5, Chapter 20.80
Bail Bond Establishment - within main jail area	-	P <u>outside of Urban Village; S in Urban Village</u>	P	P	=	Note 14; Part 1.5, Chapter 20.80

		<u>Village</u>				
Bed and Breakfast <u>Inn</u>	-	P	P	P	=	Part 2, Chapter 20.80; <u>Note 21</u>
Dry cleaner	-	P	P	P	=	<u>Note 21</u>
Hotel/ <u>or</u> Motel	-	P	P	P	=	<u>Note 21</u>
<u>Single Room Occupancy (SRO) Hotel</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	=	<u>Part 15, Chapter 20.80</u>
Laundromat	-	P	P	P	=	<u>Note 21</u>
Maintenance and repair, small household appliances	-	P	P	P	=	<u>Note 21</u>
Messenger services	P	P	P	P	=	Note 2; <u>Note 21</u>
Mortuary and Funeral Services	P	P	P	P	=	<u>Note 21</u>
Personal Services	-	P	P	P	=	Section 20.200.880; <u>Note 21</u>
Photo processing and developing	-	P	P	P	=	<u>Note 21</u>
Printing and publishing	-	P	P	P	=	<u>Note 21</u>
<b>Offices and Financial Services</b>						
Automatic teller machine	P	P	P	P	<u>S</u>	Section 20.80.200
Business Support	-	P	P	P	=	<u>Note 21</u>

Financial institution	P	P	P	P	=	<a href="#">Note 21</a>
Office, General Business	P	P	P	P	<u>S</u>	Section 20.40.110; <a href="#">Note 21</a>
Payday Lending Establishment	-	R <a href="#">outside of Urban Village; Prohibited in Urban Village</a>	R	R	=	Part 12.5, Chapter 20.80; Section 20.200.875
<b>Public, Quasi-Public and Assembly Uses</b>						
Cemetery	C	C	C	C	<u>C</u>	
Church/religious assembly	C	C	C	C	<u>S</u>	Note 16; <a href="#">Note 20</a> ; <a href="#">Note 21</a>
<a href="#">Construction/Corporation Yard associated with Public, Quasi-Public or Assembly Use or Transportation or Utility Use</a>	=	=	=	=	<u>C</u>	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	<u>P</u>	<a href="#">Note 21</a>
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	<u>S</u>	<a href="#">Note 20</a> ; <a href="#">Note 21</a>
<b>Residential</b>						
Emergency Residential Shelter	C	C	C	C	<u>C</u>	Section 20.80.500



Live/Work <u>Uses</u>	-	S	S	S	=	<u>Note 6:</u> Section 20.80.740
Mixed Use residential/commercial	-	C <u>outside of Urban Village; S in Urban Village</u>	C	C	=	Note 6
Residential Care Facility for seven (7) or more persons	C	C	C	C	<u>C</u>	
Residential Service Facility for seven (7) or more persons	C	C	C	C	<u>C</u>	
<del>Single room occupancy hotel</del>	-	<u>C</u>	<u>C</u>	<u>C</u>		<del>Part 15, Chapter 20.80</del>
Single Room Occupancy Living Unit	-	C	C	C	=	<u>Note 6:</u> Part 15, Chapter 20.80
<b>Drive-Through Uses</b>						
Drive-through <u>Uses</u> in conjunction with any use	-	-	C	C	<u>C</u>	
<b>Recycling Uses</b>						
Reverse Vending <u>Machine</u>	A	A	A	A	<u>A</u>	Part 13, Chapter 20.80
Small Collection Facility	A	A	A	A	<u>A</u>	Part 13, Chapter 20.80
<b>Transportation and Utilities</b>						

Data center	-	-	-	C	=	<a href="#">Note 21</a>
<a href="#">Common Carrier</a>	=	=	=	=	<u>C</u>	<a href="#">Note 21</a>
<a href="#">Common Carrier Depot</a>	=	=	=	=	<u>S</u>	<a href="#">Note 21</a>
Community television antenna systems	C	C	C	C	<u>C</u>	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	<u>S</u>	Section 20.90.200
Parking Establishment, Off-street	C	C	C	C	<u>C</u>	
<del>Utility facilities, excluding corporation yards, storage or repair yards and warehouses</del>	<del>G</del>	<del>G</del>	<del>G</del>	<del>G</del>		
<del>Television, radio studios without antenna/dishes</del>	-	-	-	<del>G</del>		
Short term parking lot for uses or events other than on-site	-	-	-	C	<u>C</u>	Note 7
<a href="#">Television, radio studios without antenna/dishes</a>	=	=	=	<u>C</u>	<u>C</u>	
<a href="#">Utility Facilities, excluding corporation yards, storage or repair yards and warehouses</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<a href="#">Utility Facilities including corporation yards, storage or repair yards and warehouses</a>	=	=	=	=	<u>C</u>	

Wireless Communication Antenna	C	C	C	C	<u>C</u>	Section 20.100.1300
Wireless Communication Antenna, Slimline Monopole	S	S	S	S	<u>S</u>	Section 20.80.1900
Wireless Communication Antenna, Building Mounted	P	P	P	P	<u>P</u>	Section 20.80.1910
<b>Electrical Power Generation</b>						
<u>Fuel Cells</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Private Electrical Power Generation Facility	C	C	C	C	<u>C</u>	Note 2
Co-generation Facility	S	S	S	S	<u>S</u>	
<b>Stand-by/backup</b>						
Facilities that do not exceed noise or air standards	A	A	A	P	<u>A</u>	
Facilities that do exceed noise or air standards	C	C	C	C	<u>C</u>	
Temporary Stand-by/Backup	P	P	P	P	<u>P</u>	
Solar Photovoltaic System	P	P	P	P	<u>P</u>	Section 20.100.610 C.7.
<b>Vehicle Related Uses</b>						
Accessory installation, passenger vehicles and pick-up trucks	-	<u>-C</u>	C	P	<u>-</u>	

Auto dealer, wholesale, no on-site storage	P	P	P	P	=	
Car wash, detailing	-	-	C	C	=	
Gas <del>oline</del> <u>Service</u> or Charge Station	-	C	C	P	<u>C</u>	Note 8, Note 15
Gas <del>oline</del> <u>Service</u> or Charge Station with incidental service and repair	-	C	C	P	<u>C</u>	Note 9, Note 13
Glass sales, installation and tinting	-	-	C	P	=	Note 13
Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	=	Note 2
Sale, brokerage, or lease, commercial vehicles	-	<u>-C</u>	C	C	=	Note 13
Sale or brokerage, Passenger Vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles	-	C	S	P	=	Note 12, Note 13
Sale, vehicle parts	-	<u>C-S</u>	P	P	=	Note 11
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	<u>-C</u>	C	P	=	Note 10, Note 13
<b>Historic Reuse</b>						

Historic Landmark Structure reuse	S	S	S	S	<u>S</u>	Part 8.5 Chapter 20.80
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**Notes applicable to all Commercial Districts:**

1. In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
2. No on site storage of vehicles permitted in the CP and CN Zoning Districts.
3. Includes public and private colleges and universities, as well as extension programs and business schools.
4. Not a catering facility.
5. No on site storage of vehicles permitted.
6. Mixed-use residential/commercial only under an approved Urban Village plan with an implementation financing strategy approved by the City Council or in a Signature Project consistent with the General Plan. Live/work in an area with an Urban Village designation or Urban Village Overlay in the General Plan shall be consistent with applicable approved Urban Village plans.
7. Use must be less than twenty-four (24) hours.
8. No incidental repair or service permitted.
9. Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
10. Includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, and smog check,

diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.

11. No outdoor sales areas or dismantling allowed.
12. In the CG District, incidental repair of vehicles requires a Special Use Permit. Incidental repair of vehicles is prohibited in all other commercial districts.
13. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
14. Bail bond establishments shall not be located and are prohibited uses on the ground floors of Structures located within the main jail area, as that area is defined in Section 20.80.070 of Chapter 20.80 of this title. Bail bond establishments are allowed as shown on Table 20-90 on other, above-ground floors of Structures. All bail bond establishments shall meet all distance requirements specified in Section 20.80.075 of Chapter 20.80 of this Title.
15. ~~Pedestal~~Charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all Commercial Zoning Districts.
16. Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
17. Primary uses include sporting events, assembly venues, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.
18. Use Permit applications for Stadiums that consist of more than 2,000 seats and that are in Airport Influence Areas shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.
19. Neighborhood Agriculture in conformance with this Title is a Permitted Use that may operate on a Site without a Permanent Building on that Site.
20. The City Council is the decision-making body for Special Use Permit Appeals for this use pursuant to Section 20.100.220 of this Title.

21. In the PQP Public/Quasi-Public Zoning District, the following uses may be allowed as a use supporting and incidental to a primary PQP use:

- a. Offices, retail, Public Eating Establishments, and other commercial uses of similar character and intensity, with approval of a Special Use Permit; and
- b. Drinking Establishments, Off-sale of Alcoholic Beverages, Arcade Amusement Games, Poolroom/Billiards Establishments, wineries, breweries, and Data Centers, with approval of a Conditional Use Permit.

#### **20.40.110 Incidental Uses, Office**

Subject to the conditions, limitations and restrictions hereinafter set forth, space situate entirely within a building used for business, professional or administrative office purposes may be used for the operation of a restaurant, café or newsstand if:

1. The use of such space for a restaurant, café or newsstand is incidental and auxiliary to the primary and main use of the building for one or more of the above uses;
2. The gross floor area of such building is fifty thousand square feet or more;
3. Two hundred fifty or more persons are employed in such building;
4. The only public access to the restaurant, café, newsstand is by way of an interior lobby or court, and there is not direct access thereto from outside the building;
5. The total combined gross floor area of all restaurants, cafes, and newsstands in any one building shall not exceed one-tenth the total gross floor area of the entire building.

#### **20.40.120 Animal Uses**

Except as an incidental use to Neighborhood Agriculture, All uses involving any type of care for animals, including but not limited to grooming, boarding, medical care must be conducted wholly inside a building.

**20.40.130 Reserved. Editor's Note:** Ord. 28858, Adopted November 20, 2010, repealed § 20.40.130, which pertained to live/work units. Please see § 20.80.740.

**20.40.140 Reserved. Editor's Note:** Ord. 28858, Adopted November 20, 2010, repealed § 20.40.140, which pertained to live/work units. Please see § 20.80.1175.

**SECTION 6.** Section 20.40.200 of Chapter 20.40 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.40.200 Development Standards**

All development in the Commercial Zoning Districts and the Public/Quasi-Public Zoning District shall conform to the development regulations set forth below in Table 20-100.

<b>Table 20-100</b> <b>Commercial Zoning Districts <u>and Public/Quasi-Public Zoning District</u></b> <b>Development Standards</b>					
Regulations	Zoning District				
	CO	CP	CN	CG	<u>PQP</u>
Minimum Lot Area (square feet or acreage)	6,000	6,000; <u>or as established in approved Urban Village Plan</u>	6,000	1 acre (none if Lot is located in a shopping center with shared access and shared parking among the Lots)	<u>6,000</u>
Minimum Setback (feet)					
Front	10, or 15 where adjacent to side property line of R-1 District	no minimum, 10 feet maximum; <u>or as established in approved Urban Village Plan</u>	10	15	<u>10; Less than 10 if established in approved Development Permit</u>
Side, Interior	5	None; <u>or as established in approved</u>	none	none	<u>10; Less than 10 if established in approved</u>



		<u>Urban Village Plan</u>			<u>Development Permit</u>
Side, Corner	12.5	None; <u>or as established in approved Urban Village Plan</u>	12.5	12.5	<u>10; Less than 10 if established in approved Development Permit</u>
Rear, Interior	25	<u>25; or as established in approved Urban Village Plan</u>	none	none	<u>10; Less than 10 if established in approved Development Permit</u>
Rear, Corner	25	<u>25; or as established in approved Urban Village Plan</u>	none	none	<u>10; Less than 10 if established in approved Development Permit</u>
Maximum Height (feet) (see Note 1)	35, unless a different maximum is established in Chapter 20.85	50 unless a different maximum is established in Chapter 20.85; <u>or as established in approved Urban Village Plan</u>	50 unless a different maximum is established in Chapter 20.85	65 unless a different maximum is established in Chapter 20.85	<u>65 unless a different maximum is established in Chapter 20.85</u>
Maximum Individual Occupant Square Footage (square feet) (see Note 2)		2,500/ Personal service shop  5,000/ Eating, drinking or entertainment establishment  15,000/ All other uses (see Note 2);			

		<u>None in approved Urban Village Plan</u>			
Parking	See Chapter 20.90	<u>See Chapter 20.90; or established in approved Urban Village Plan</u>	<u>See Chapter 20.90</u>	<u>See Chapter 20.90</u>	<u>See Chapter 20.90 unless a different minimum is established in an approved Development Permit</u>

**Notes applicable to Commercial Development Standards:**

1. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative Maximum Height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this Section.
2. In the CP Commercial Pedestrian District, Lots located wholly within the West San Carlos Street Neighborhood Business District, as indicated on the General Plan Land Use Diagram, shall not be subject to the maximum individual occupant square footage requirements set forth in this Section.

**SECTION 7.** Section 20.40.250 of Chapter 20.40 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.40.250 Front Setback - Exception, Streets with Residence Districts**

Notwithstanding, the provisions of Section 20.40.200 where Lots situate on one side of a street between two intersecting streets are situate partly in a commercial district and partly in a residence district, the Front Setback requirements applicable to such residence district shall apply to all Lots in the Commercial District, except that where a Lot or Lots situate within a Commercial District are located on one side of a street between an intersecting street and a Lot located in a Residence District, the Front Setback requirements of the Residence District shall apply only to that portion of the Lot or Lots situate in the Commercial District that is located within twenty (20) feet of the Lot situate within a Residence District. The provisions of this Section shall not apply to Lots in the CP Commercial Pedestrian District and Lots in the PQP Public/Quasi-Public District.

**SECTION 8.** Section 20.40.400 of Chapter 20.40 of Title 20 of the San Jose Municipal Code is amended to read as follows:

#### **20.40.400 Setback Areas - Open, Unobstructed, and Unoccupied**

Except as otherwise expressly and specifically provided in other sections of this Title, every part of every Setback Area shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all Buildings or Structures except as follows:

- A. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any Setback Area;
- B. Any portion of a Building (including but not limited to bay windows, chimneys, or bump-outs architectural elements that project out from the primary surface of the Building Facade, whether on a foundation or cantilevered) not occupying in the aggregate more than twenty (20) percent of the length of the side of the Building, may project horizontally for a distance of not more than two (2) feet into any Setback area, provided that such extensions maintain a minimum Setback of at least three (3) feet;
- C. ~~Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any Setback area;~~  
In addition to projection into the Setback Area allowed under Subsection B,  
~~w~~Wells for Basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty (20) percent of the length of the side of the Building on which they are located, may project horizontally for a distance of not more than two (2) feet into the Side and Rear Setback Area, provided that such extensions maintain a minimum Setback of three (3) feet;
- D. Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any Setback area;
- E. Overhead wires necessary for electrical and telephone service to a Building on the Lot;
- F. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical needs of the Lot or of a Building on the Lot; ~~and~~
- G. Walks and driveways for vehicular or pedestrian access to the Lot; and
- H. Short-term Bicycle Parking Facilities that meet the following requirements:
  - 1. Compliance with the provisions of Chapter 20.90 and all applicable local, State, and Federal standards including but not limited to Building and Fire regulations; and

2. Adequate screening with landscaping or architectural elements from public view; and
3. Maintenance of a minimum of a five (5) foot Front Setback Area that is open, unobstructed, and unoccupied; and
4. Design that ensures adequate circulation of vehicles, bicycles, and people.

**SECTION 9.** Section 20.40.520 of Chapter 20.40 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.40.520 Outdoor Uses within 150 feet of Residentially Zoned Property**

No use, which in whole or in part, consists of, includes, or involves any outdoor activity or sale or storage of goods, products, merchandise or food outdoors shall occur on any lands if any part of such lands or any part of the Lot on which such Buildings are located is situated within one hundred fifty (150) feet of residentially zoned property situate within or outside the City except with a Special Use Permit as provided for in Chapter 20.100, except for the following:

- A. Seasonal sales in accordance with the provisions in Part 14, Chapter 20.80.
- B. Service windows for pedestrians or automatic teller machines for pedestrians both of which are associated with financial institutions.
- C. Cigarettes, ice, candy, food, and soft drinks dispensed from self-service, coin-operated automatic vending machines.
- D. Plant Nursery sales.
- E. Outdoor dining incidental to a Public Eating Establishment or a retail establishment that conforms to all of the following criteria:
  1. The outdoor dining area is completely separated from residentially zoned property by a non-residential building or by a minimum distance of one hundred (100) feet that includes a public Street with a minimum public right-of-way dimension of eighty (80) feet; and
  2. The outdoor dining area does not include any equipment to produce any ~~amplified sound~~ noise that does not comply with Section 20.40.600 of this Chapter; and
  3. The outdoor dining area does not operate between the hours of 10:00 p.m. and 6:00 a.m.

- F. Outdoor Vending of whole, uncut, fresh fruits and vegetables in conformance with the provisions of Part 10, Chapter 20.80.
- G. Small Certified Farmers' Markets in conformance with the provisions of Part 3.5, Chapter 20.80.
- H. Neighborhood Agriculture in compliance with the provisions of this Title.

SECTION 10. Section 20.40.600 of Chapter 20.40 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.40.600 Performance Standards**

- A. In the CO, CP, CN, and CG Commercial Districts and in the PQP Public/Quasi-Public District no primary, secondary, incidental or Conditional Use or activity related thereto shall be conducted or permitted:
  - 1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
  - 2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or
  - 3. In a manner that creates a public or private nuisance.
- B. Without limiting the generality of the preceding paragraph, the following specific standards shall apply in the Commercial Zoning Districts and in the PQP Public/Quasi-Public District:
  - 1. Air Pollution. Total emissions from any use or combination of uses on a Site shall not exceed the emissions and health risk thresholds as established by the Director of Planning.
  - 2. Noise. The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 20-105 at any property line, except upon issuance and in compliance with a Conditional Special Use Permit as provided in Chapter 20.100.

<b>Table 20-105 Noise Standards</b>	
	<b>Maximum Noise Level in Decibels at Property Line</b>
Commercial <u>or PQP</u> use adjacent to a property used or zoned for residential purposes	55
Commercial <u>or PQP</u> use adjacent to a property used or zoned for commercial or other non-residential purposes	60

3. Vibration. There shall be no activity on any Site that causes ground vibration that is perceptible without instruments at the property line of the Site.

SECTION 11. Section 20.80.1700 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.80.1700 Use of Temporary Trailer**

This Part is to allow Temporary Trailers to be used only for the following purposes:

1. The continuation of a commercial, industrial or manufacturing business while a primary structure is undergoing alteration or restoration; and
2. The temporary erection of antennae mounted on trailers for short term operation while permitted alterations of existing Wireless Communication Antennae are being constructed or for short term testing of coverage for wireless communication systems.

SECTION 12. Section 20.80.1750 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.80.1750 Temporary Antenna Trailer - Permit required**

- A. A Temporary Antenna Trailer for the testing of a wireless communication network requires the following permit:
  1. An Administrative Permit, as provided in Chapter 20.100 of this Title, and in conformance with the requirements of this Section and Section 20.80.1760; or

2. In the event the owner cannot meet the requirements of this Part or the Director denies an Administrative Permit, a ~~Conditional~~ Special Use Permit, as provided in Chapter 20.100.
- B. All applications for permit for a Temporary Antenna Trailer shall set forth facts demonstrating to the satisfaction of the Director that the Temporary Antenna Trailer ~~will~~ shall be used to determine if the Site is necessary for a wireless communications network.
- C. All applications shall demonstrate that the proposed Temporary Antenna Trailer shall be maintained in conformance with the provisions of Section 20.80.1760.

SECTION 13. Section 20.80.1760 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.80.1760 Temporary Antenna Trailer - Conditions of Issuance**

The use of a Temporary Antenna Trailer shall be in accordance with all of the following conditions:

1. The Temporary Antenna Trailer ~~will~~ shall not exceed forty-five (45) feet in Height, or the maximum Height of the zoning district, whichever is less; and
2. The Temporary Antenna Trailer ~~will~~ shall operate for no more than ~~six (6) months~~ one (1) year at the Site if for testing purposes; and
3. If not for testing purposes the Temporary Antenna Trailer shall operate for no longer than the duration of constructing permitted alterations of existing Wireless Communication Antennae; and
4. No Temporary Antenna Trailer, for testing purposes ~~has~~ shall have operated within two thousand (2,000) feet of the proposed Site in the previous two (2) years; and
5. The issuance of the Administrative Permit is intended only for the temporary operation while permitted alterations of existing Wireless Communication Antennae are being constructed or for the temporary testing of operation or design of the wireless communications network and the approval of such a Temporary Antenna Trailer shall not serve as a justification or basis for future approvals of Wireless Communication Antennae on the Site.
6. No more than one Temporary Antenna Trailer per Site may be permitted at any given time; and

7. The Temporary Antenna Trailer shall be located a minimum of fifty (50) feet from the property line; and
8. No Temporary Antenna Trailer shall block any circulation aisles; and
9. The Temporary Antenna Trailer shall comply with all applicable Building and fire safety standards; and
10. All necessary permits shall be obtained prior to installation of the Temporary Antenna Trailer; and
11. Revocation of any permit issued hereunder shall be in accordance with the provisions of this Title which are applicable to the type of permit issued.

**SECTION 14.** Section 20.100.220 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.100.220 Appeal - Hearing body**

Decisions on permits or approvals pursuant to this Chapter are subject to appeal as set forth in Table 20-260 which lists the initial decision maker and the decision making body ~~which~~that will hear any appeal.

<b>Table 20-260 Appeal Hearing Body</b>		
<b>Application</b>	<b>Initial Decision Making Body</b>	<b>Appeal Decision Making Body</b>
Administrative Permit	Director of Planning	No Appeal
Site Development Permit	Director of Planning	Planning Commission
Site Development Permit - Projects within Downtown Districts <del>that also and exceeding</del>	Director of Planning	City Council
150 feet and FAR of 6:1		
Single-family House Permit	Director of Planning	
Administrative decision	Director of Planning	No Appeal
Director's hearing	Director of Planning	Planning Commission
Planned Development Permit	Director of Planning	Planning Commission



Special Use Permit	Director of Planning	Planning Commission
<u>Special Use Permit – for schools that are elementary or secondary (public or private), Post Secondary, Trade and Vocational, or driving (class C &amp; M license) in the PQP Public/Quasi-Public Zoning District.</u>	<u>Director of Planning</u>	<u>City Council</u>
<u>Special Use Permit – for church/religious assembly in the PQP Public/Quasi-Public Zoning District.</u>	<u>Director of Planning</u>	<u>City Council</u>
<u>Special Use Permit – for privately-operated museums, libraries, parks, playgrounds, or community centers in the PQP Public/Quasi-Public Zoning District.</u>	<u>Director of Planning</u>	<u>City Council</u>
Conditional Use Permit	Planning Commission	City Council
Conditional Use Permit - Stadium, more than 2,000 seats including incidental support uses	City Council	No Appeal
Conditional Use Permit - Drinking Establishments with an approved maximum occupancy load of over 250 persons that operate between 12:00 midnight and 6:00 a.m.	City Council	No Appeal
Conditional Use Permit involving off-premises sale of alcoholic beverages requiring a determination under Chapter 6.84 where findings required by Planning Commission under Section 6.84.030.B.1. through 4. cannot be made	City Council	No Appeal
Variance	Director of Planning	Planning Commission
Exception	Director of Planning	Planning Commission
Sidewalk Café Permit	Director of Planning	City Council
Tree Removal Permit	Director of Planning	
Administrative decision	Director of Planning	No Appeal
Director's hearing	Director of Planning	Planning Commission

Zoning Code Verification Certificate	Director of Planning	No Appeal
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**SECTION 15.** Section 20.120.110 of Chapter 20.120 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.120.110 Conformance with the General Plan**

- A. For the purposes of Section 20.120.100 only, the determination of conformance of zoning or rezonings to the General Plan, shall be made in the manner set forth in Table 20-270:

Table 20-270	
General Plan Designation	Conforming District
All designations	OS, A
Open Hillside	OS
Lower Hillside (1 du/5 ac)	R-1-RR
Rural Residential (2 du/ac)	R-1-1, R-1-2
Residential Neighborhood	R-1-8, R-1-5
Urban Residential, Transit Residential	R-M
Neighborhood/Community Commercial, Urban Village	CP, CN, CG
<del>Transit Employment Center</del>	<del>IP, TEC</del>
Regional Commercial	CG
<u>Public/Quasi-Public</u>	<u>PQP</u>
Industrial Park	IP

<u>Transit Employment Center</u>	<u>IP, TEC</u>
Light Industrial	LI
Heavy Industrial	HI
Combined Industrial/Commercial	CIC

- B. A Planned Development (PD) Combining District conforms to the General Plan designation where the uses permitted by the general development plan for such proposed district conform to the General Plan designation and where the base zone thereof conforms to said designation in accordance with the foregoing table.
- C. Each portion of the property to be zoned or rezoned must conform to the General Plan designation for each such portion.

SECTION 16. Section 20.200.170 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.200.170 Business Support Use**

Business support uses" are commercial uses intended to support the business needs in the area. Such uses include but are not limited to copy shops, mail centers, ~~employment agencies,~~ small business machine repair, and technical support centers.

SECTION 17. Section 20.200.195 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.200.195 Co-generation Facility**

A "Co-generation Facility" means an ~~electrical-~~ energy or power generation facility that utilizes waste heat or another single primary energy source to generate at least two (2) different forms of useful energy such as electricity, heat, steam, or some other form of energy or power to supply some of the energy or power needs of an individual building or group of buildings or some of the energy or power needs of another land use on a Site. Electricity generated by a co-generation facility may be sold back to the electrical distribution system or transmission grid or to other end-users.

SECTION 18. Section 20.200.290 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is amended to read as follows:

### **20.200.290 Downtown; Downtown Core Area**

“Downtown” or “Downtown Core Area” means that area delineated as ~~such~~ Downtown on the land use/transportation diagram of the General Plan of the City of San José as amended.

SECTION 19. Chapter 20.200 of Title 20 of the San Jose Municipal Code is amended by adding a Section to be numbered and entitled and to read as follows:

### **20.200.435 Fuel Cell**

“Fuel Cell” is an advanced energy conversion device that combines hydrogen-bearing fuels with airborne oxygen in an electrochemical reaction to produce electricity very efficiently and with minimal environmental impact.

SECTION 20. Section 20.200.813 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is amended to read as follows:

### **20.200.813 Office, General Business**

A “General Business Office” is a space within which management-level administrative services for firms and institutions ~~is~~are provided; or within which services to individuals, firms, or other entities ~~is~~are provided. Examples of a General Business Office use include but are not limited to offices within which the following services are provided: real estate, insurance, property management, title companies, investment, personnel, travel, and similar services, and including business offices of public utilities or other activities when the service rendered is a service that is customarily associated with office services.

SECTION 21. Chapter 20.200 of Title 20 of the San Jose Municipal Code is amended by adding a Section to be numbered and entitled and to read as follows:

### **20.200.1125 Signature Project**

A “Signature Project” is a residential Mixed Use project that meets or exceeds the requirements identified for a Signature Project in the Envision San Jose 2040 General Plan Urban Village Planning Policy IP-5.10.

SECTION 22. Section 20.200.1165 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is amended to read as follows:

**20.200.1165 Solar Photovoltaic PowerSystem**

"Solar Photovoltaic System" means a system that generates electrical power through the utilization of non-mechanical semiconductor devices, ~~or~~ photovoltaic cells, that convert sunlight into direct current electricity.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk